

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

BENEFICIAL INNOVATIONS, INC.,

Plaintiff,

v.

ADVANCE PUBLICATIONS, INC.; ALM  
MEDIA PROPERTIES, LLC;  
AMAZON.COM, INC.; AMERICAN  
MEDIA, INC.; AUTOTRADER.COM, INC.;  
EXPEDIA, INC.; SCRIPPS NETWORKS,  
LLC; VIACOM INC.; and VILLAGE VOICE  
MEDIA HOLDINGS, LLC,

Defendants.

CASE NO. 2:11-CV-00229-JRG-RSP

**DECLARATION OF STUART M. ROSENBERG IN SUPPORT OF DEFENDANTS'  
MOTION FOR SUMMARY JUDGMENT OF INDEFINITENESS**

I, Stuart M. Rosenberg, declare as follows:

1. I am an attorney licensed to practice law in the state of California. I am employed with the law firm of Gibson, Dunn & Crutcher LLP, which represents defendants Amazon.com, Inc.; Expedia, Inc.; Viacom Inc.; and Scripps Networks LLC ("Defendants") in these proceedings.
2. I am over the age of 21 years and the allegations contained herein are true and correct to the best of my information and belief. With the exception of those matters stated upon information and belief, I have personal knowledge of each of the matters contained herein and could testify competently to the same under oath in a court of law if called upon to do so.
3. I provide this declaration is in support of Defendants' Motion For Summary Judgment of Indefiniteness.
4. Attached hereto as **Exhibit 1** is a true and correct copy of U.S. Patent No. 6,712,702, issued March 30, 2004.
5. Attached hereto as **Exhibit 2** is a true and correct copy of U.S. Patent No. 7,496,943, issued February 24, 2009.

6. Attached hereto as **Exhibit 3** is a Claims Appendix containing the four claims asserted by Plaintiff in this action, with emphasis on the claim language discussed in Defendants' Motion for Summary Judgment of Indefiniteness.
7. Attached hereto as **Exhibit 4** is a true and correct copy of the Memorandum Opinion and Order regarding claim construction issued by the Court on April 12, 2010 in *Beneficial Innovations, Inc., v. Blockdot, Inc. et al.*, E.D. Tex. Case Nos. 2:07-CV-263, -555 (Ward, J.)
8. Attached hereto as **Exhibit 5** is a true and correct copy of excerpts from the transcript of the November 14, 2012 deposition of Kevin C. Almeroth, Ph.D. in this case.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED this 30th day of May, 2013 in Palo Alto, California.

By: /s/ Stuart M. Rosenberg  
Stuart M. Rosenberg

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**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). All other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by electronic mail, on this the 16th day of November, 2012.

/s/ Stuart M. Rosenberg

Stuart M. Rosenberg